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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,221	03/29/2001	John T. Orchard	15685P081	6069
8791	7590	04/06/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,221

Applicant(s)

ORCHARD, JOHN T.09823221

Examiner

Tung S Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-8, 10- 18, 21- 26, 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-18,21-26 and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 18, 26, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Reichlen (U.S. Patent 6,396,497).

Regarding claim 1

Reichlen discloses a handheld computing device comprising a motion detection sensor to detect motion of the computing device in one or more of six (6) fields of motion (fig. 1, unit 22, Col. 2-3, Lines 41-27) and to generate a motion indication if an initial motion and a complementary motion exceed a motion threshold (Col. 8, Lines 25-45, Col. 13, Lines 17-50); a motion control agent to determine whether an operating system or an application has operational control of a display of the computing device (Col. 2-3, Lines 55-53), and generate, in response to the motion indications (Col. 2-3, Lines 55-53), a first control signal to modify an operating state of the computing device and a second control signal to

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modify displayed content of the computing device, if the operating system has operational control of the display (Col. 2-3, Lines 55-53).

Regarding claim 18:

Reichlen discloses a storage medium comprising a plurality of executable instructions which, when implemented by a computing device, cause the machine to implement a motion control agent to receive indication that the computing device is being physically manipulated in one or more of six (6) fields of motion (fig. 1, unit 22, Col. 2-3, Lines 41-27) if an initial motion and a complementary motion exceed a motion threshold (Col. 8, Lines 25-45, Col. 13, Lines 17-50), detect whether an operating system or an application has operational control of a display of the computing device (Col. 2-3, Lines 55-53), generate, in response to the motion indication, a first control signal to modify an operating state of the computing device and a second control signal to modify displayed content of the computing device in response to the indication if the operating system has operational control of the display (Col. 2-3, Lines 55-53).

Regarding claim 26:

Reichlen discloses a method for controlling a handheld computing device, the method comprising receiving a motion indications of the computing device in one or more of six (6) fields of motion (fig. 1, unit 22, Col. 2-3, Lines 41-27) from a motion detection sensor integrated with the computing device if an initial motion and a complementary motion exceed a motion threshold (Col. 8, Lines 25-45, Col. 13, Lines 17-50), determining whether an operating system or an application

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has operational control of a display of the computing device (Col. 2-3, Lines 55-53); generating a first control signal to modify an operating state of the computing device and a second control signal to modify displayed content of the computing device in response to the motion indication if the operating system has operational control of the display (Col. 2-3, Lines 55-53).

Regarding claims 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 28-33:

Reichlen discloses the motion detection sensors require an initial motion and a complementary motion within certain ones of the fields of motion that exceed a motion threshold before an indication of motion is generated (fig. 3, unit 60); motion in x,y,z field (fig. 1, unit 10); shock detector (Col. 5, Lines 30-45), sensor responsive to x, y, z field (Col. 2-3, Lines 41-53, fig. 1, unit 10); response to one or more of x, y, z rotation motion (fig. 1), including complementary motion (fig. 1, unit 10), motion response from the sensor (Col. 2-3, Lines 50-12, Col. 7, Lines 1-45); active region (Col. 7, Lines 1-45); generate multiple control signal (Col. 7, Lines 1-33); a personal gaming device (fig 1, unit 22).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can


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be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for Official RightFAX, for regular communications and 703-308-5841 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956. TC2800 FAX

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TL


John Barlow
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